

Remarks

Claim 33 is amended.

Claims 33, 35-36, 42-43 and 47-48 are pending in this application and are under consideration.

There are no allowed claims.

Claim 33 is amended to require that the phenolic antioxidants are incorporated "by dissolution in an oil phase or alcoholic or water phase" into said body-care products.

Support is found on page 31 of the disclosure, lines 4 and 5 from the bottom. Support is also found in the working Examples on pages 32-35.

No new matter is added.

Claims 33, 35, 36, 42, 43, 47 and 48 are rejected under 35 USC 103(a) as being unpatentable over Hoffmann, et al., U.S. Pat. No. 5,643,985 in view of Yoshihara, et al., U.S. Pat. No. 5,242,689.

Applicants respectfully rebut these rejections.

The present claims are aimed at a method of preventing photooxidation and autoxidation processes in body-care products, for example skin protection ointments, shampoos, etc. The method comprises incorporating into the body-care products one or more of certain phenolic antioxidants. The incorporation comprises dissolution of the antioxidant(s) in an oil phase or alcoholic or water phase.

Hoffmann is cited as teaching the stabilization of plastic materials by the addition of phenolic antioxidants. The phenolic antioxidants of Hoffmann have some overlap with those of the present claims. Hoffmann teaches the stabilization of recycled plastic materials (Abstract). The recycled materials are thermoplastics such as polyolefins or styrene polymers (col. 1, lines 23-24).

Yoshihara is cited as teaching cosmetic compositions comprising particles such as polyethylene, polypropylene or polystyrene, col. 2, lines 37-45. The compositions of Yoshihara may optionally comprise additives selected from surfactants, organic solvents, thickening agents, emollients, flavors, preservatives, antioxidants, etc. (col. 3, lines 42-53).

As demonstrated by the working Examples of Hoffmann, the additives therein are intimately mixed with the recyclate via melt processing, that is melt extrusion or melt mixing.

Yoshihara is totally silent as how to incorporate optional additives.

In view of the combined teachings of Hoffmann and Yoshihara, Applicants submit that one skilled in the art would be motivated to stabilize the thermoplastic polymer via melt mixing of the antioxidant with the polymer. One would not be motivated to incorporate antioxidants into the mobile phase of a cosmetic formulation.

Applicants submit that the present method is not at all disclosed in this combination of references.

In view of this, Applicants submit that these claim rejections are addressed and are overcome.

Claims 33, 35, 47 and 48 are rejected under 35 USC 103(a) as being unpatentable over Severns, et al., U.S. Pat. No. 5,723,435 in view of Andary, et al., U.S. Pat. No. 5,719,129.

Applicants respectfully rebut these rejections.

Severns is cited as teaching fabric care compositions comprising antioxidants. The antioxidants have some overlap with the present antioxidants of claims 33 and 35, col. 2, line 50 through col. 4, line 18.

The compositions of Severns comprise an antioxidant, a fabric softening agent, a carrier material and optionally a sunscreen compound. The compositions of Severns are intended to reduce the fading of fabrics from sunlight by depositing antioxidants onto fabric, col. 1, lines 55-62.

The antioxidants of Severns in use are applied to a fabric substrate.

Andary is cited as teaching the use of antioxidants in cosmetics (Abstract).

Andary discloses a derivative of caffeic acid and teaches that it is effective in particular for dermatological compositions as a result of its activity against free radicals, inflammation and aging (Abstract). The antioxidants of Andary are clearly intended to protect for example skin: "The compositions according to the invention are particularly effective in preventing aging of the skin and in treatment of inflammatory conditions...", col. 3, lines 25-27. The "composition may therefore be formulated in the form of an injectable dose, or for oral administration or for external treatment by topical application", col. 3, lines 18-22.

The problem solved with the present invention is the prevention of photooxidation and autoxidation processes in body-care products. The preparation of the body-care products includes dissolution of the antioxidants in an oil phase or alcoholic or water phase. One skilled in the art would not look to these references concerned with protecting fabrics and skin in order to attempt to solve the present problem.

Applicants submit that the present method is not at all disclosed in these references.

In view of this, Applicants submit that these 35 USC 103(a) rejections are addressed and are overcome.

In view of all of the above, Applicants submit that each of the claim rejections are addressed and are overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are now in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,



Tyler A. Stevenson
Agent for Applicants
Reg. No. 46,388

Ciba Corporation
540 White Plains Road
P.O. Box 2005
Tarrytown, NY 10591-9005
Tel. (914)785-2783
Fax (914)785-7102

Attachment: Petition for a 1 month extension of time
Request for Continued Examination